

**COURT OF APPEAL**

**OF**

**NEW BRUNSWICK**

**COUR D'APPEL**

**DU**

**NOUVEAU-BRUNSWICK**



***List of Cases for the  
September 2014 sitting***

***Le rôle pour la session du mois  
de septembre 2014***

***Court of Appeal  
P.O. Box 6000  
Fredericton, NB  
E3B 5H1***

***Cour d'appel  
C.P. 6000  
Fredericton, (N.-B.)  
E3B 5H1***

**TUESDAY, SEPTEMBER 9 / LE MARDI 9 SEPTEMBRE**

**9:30 a.m. / 9h30**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., LARLEE AND/ET DESCHÊNES, J.J.A.)**

**70-13-CA**

37.	Rodney J. Gillis, Q.C.	)	<b>Mark J. Sandler,</b>
	- and -	)	for the Appellant
	Her Majesty The Queen	)	<b>Peter Craig and</b>
		)	<b>Jennifer A. MacLellan,</b>
		)	for the Respondent

**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B. DESCHÊNES AND QUIGG, J.J.A.)**

**No. 36 Adjourned and set over to October 16, 2014, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 16 octobre 2014, en vertu de la directive de l'Honorable juge en chef.**

**50-14-CA**

36.	Yvon Vienneau and	)	<b>Daniel R. Theriault, Q.C.,</b>
	Michel Vienneau	)	for the Appellants
	- and -	)	<b>B. Bannon Morrissy,</b>
	Her Majesty The Queen	)	for the Respondent
	(on appeal from 2014 NBQB 092 / en appel de 2014 NBBR 092)		

**No. 1. Adjourned to a date to be set, pursuant to the directions of The Honourable Chief Justice Drapeau / Remise à une date ultérieure, en vertu de la directive de l'Honorable juge en chef.**

**57-14-CA**

1.	Attorney General of the Province,	)	<b>René J. Basque, Q.C.,</b>
	as represented by the Public	)	and <b>Monica L. Barley,</b>
	Intervener	)	for the Applicant
	- and -	)	<b>David Duncan Young,</b>
	Enbridge Gas New Brunswick	)	for the Respondent,
	Limited Partnership, as	)	Enbridge Gas New
	represented by its general	)	Brunswick Inc.
	partner, Enbridge Gas New	)	<b>Ellen C. Desmond,</b>
	Brunswick Inc.,	)	for the Intervenor
	- and -	)	
	New Brunswick Energy and	)	
	Utilities Board	)	

**COURTROOM / SALLE #8**

**(\*RICHARD, BELL AND/ET GREEN, JJ.A.)**

**No. 2. Adjourned to a date to be set, pursuant to the directions of The Honourable Chief Justice Drapeau / Remise à une date ultérieure, en vertu de la directive de l'Honorable juge en chef.**

**64-13-CA**

- |    |                       |   |                            |
|----|-----------------------|---|----------------------------|
| 2. | George W. Martin      | ) | <b>Daniel R. Jardine,</b>  |
|    | - and -               | ) | for the Appellant          |
|    | Her Majesty The Queen | ) | <b>Kathryn A. Gregory,</b> |
|    |                       | ) | for the Respondent         |

**2:00 p.m. / 14h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B. DESCHÊNES AND QUIGG, JJ.A.)**

**No. 3. Adjourned to a date to be set, pursuant to the directions of The Honourable Chief Justice Drapeau / Remise à une date ultérieure, en vertu de la directive de l'Honorable juge en chef.**

**58-14-CA**

- |    |                            |   |                                |
|----|----------------------------|---|--------------------------------|
| 3. | Enbridge Gas New Brunswick | ) | <b>David Duncan Young,</b>     |
|    | Limited Partnership, as    | ) | for the Applicant              |
|    | represented by its general | ) | <b>Ellen C. Desmond,</b>       |
|    | partner Enbridge Gas New   | ) | for the Respondent             |
|    | Brunswick Inc.             | ) | <b>Christopher J. Stewart,</b> |
|    | - and -                    | ) | for the Intervenor             |
|    | New Brunswick Energy and   | ) |                                |
|    | Utilities Board            | ) |                                |
|    | -and-                      | ) |                                |
|    | Atlantic Wallboard LP and  | ) |                                |
|    | Flakeboard Company Limited | ) |                                |

**COURTROOM / SALLE #8**

**(\*RICHARD, BELL AND/ET GREEN, JJ.A.)**

**88-13-CA**

- |    |                        |   |                                  |
|----|------------------------|---|----------------------------------|
| 4. | Ronald Hondus Jennings | ) | <b>Margaret Gallagher, Q.C.,</b> |
|    | - and -                | ) | for the Appellant                |
|    | Her Majesty The Queen  | ) | <b>Kathryn A. Gregory,</b>       |
|    |                        | ) | for the Respondent               |

**WEDNESDAY, SEPTEMBER 10 / LE MERCREDI 10 SEPTEMBRE**  
**10:00 a.m. 10h**

**COURTROOM / SALLE #6**

**(\*LARLEE, RICHARD AND/ET BELL, J.J.A.)**

- 136-13-CA**  
5. *Marc Doucet* ) **Terence R. Connelly,**  
- et - ) *avocat de l'appelant*  
*Pauline Doucet* ) **Nadine Losier,**  
 ) *avocate de l'intimée*

**2:00 p.m. / 14h**

**COURTROOM / SALLE #6**

**(\*LARLEE, QUIGG AND/ET GREEN, J.J.A.)**

- 134-13-CA**  
6. *Daniel Arthur Estabrooks* ) **Daniel Arthur Estabrooks,**  
- and - ) *per se*  
*Lora Charlene Estabrooks* ) **Lora Charlene Estabrooks,**  
 ) *per se*

**TUESDAY, SEPTEMBER 16 / LE MARDI 16 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(DESCHÊNES, \*RICHARD AND/ET BELL, J.J.A.)**

- 23-14-CA**  
7. *Her Majesty The Queen* ) **Kathryn A. Gregory,**  
- and - ) *for the Appellant*  
*Serge Roger Noel* ) **Serge Roger Noel,**  
 ) *per se*

**WEDNESDAY, SEPTEMBER 17 / LE MERCREDI 17 SEPTEMBRE**  
**10:00 a.m. 10h**

**COURTROOM / SALLE #6**

**(\*LARLEE, RICHARD AND/ET QUIGG, J.J.A.)**

**No. 8 Notice of Discontinuance filed August 26, 2014/  
Un avis de désistement a été émis le 26 août 2014**

- 48-14-CA**
8. Gaston Martin ) **Mélanie Tremblay,**  
- et - ) **avocate de l'appelant**  
Murielle Martin ) **Murielle Martin,**  
 ) **per se**

**2:00 p.m. / 14h**

**COURTROOM / SALLE #6**

**(\*LARLEE, RICHARD AND/ET QUIGG, J.J.A.)**

- 49-14-CA**
9. Bernard Robichaud ) **Bernard Robichaud,**  
- et - ) **per se**  
Sa Majesté la Reine ) **Pierre F. Roussel, c.r.,**  
 ) **avocat de l'intimée**

**THURSDAY, SEPTEMBER 18 / LE JEUDI 18 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

**VIDEO CONFERENCE / VIDÉO CONFÉRENCE**

**Bathurst Courthouse, 254 St Patrick Street, 2<sup>nd</sup> Floor, Courtroom "A" /  
Palais de Justice – Bathurst, 254 rue St. Patrick, 2<sup>ième</sup> étage, Salle « A »**

**(DESCHÊNES, \*BELL AND/ET QUIGG, J.J.A.)**

- 17-14-CA**
10. Gemma LeBouthillier ) **Gemma LeBouthillier,**  
- et - ) **per se**  
J.M. Bastile Inc. une corporation ) **Blair C. Fraser,**  
et Claude Boudreau ) **avocat des intimés**  
(on appeal from 2013 NBQB 381 / en appel de 2013 NBBR 381)

**TUESDAY, SEPTEMBER 23 / LE MARDI 23 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*LARLEE, DESCHÊNES AND/ET BELL, J.J.A.)**

- 161-12-CA**
11. Frederick Bernard Anthony ) **James J. Matheson,**  
Prosser ) for the Appellant  
- and - ) **Kathryn A. Gregory,**  
Her Majesty The Queen ) for the Respondent

**WEDNESDAY, SEPTEMBER 24 / LE MERCREDI 24 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., LARLEE AND/ET DESCHÊNES, J.J.A.)**

- 25-14-CA**
12. Syndicat canadien de la ) **Glen S. Gallant,**  
fonction publique, section ) avocat de l'appelante  
locale 821 ) **Daniel A. Standing,**  
- et - ) avocat de l'intimé  
Réseau de Santé Vitalité (Zone )  
1B) )

**THURSDAY, SEPTEMBER 25 / LE JEUDI 25 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., LARLEE AND/ET QUIGG, J.J.A.)**

- 100-13-CA**
13. Nackawic Mechanical Ltd., ) **Ryan P. Burgoyne,**  
Carrying on business as SDI ) for the Appellant  
Aviation ) **Hugh J. Cameron,**  
- and - ) for the Respondents  
Robert Ward and Brenda Ward )  
(on appeal from 2013 NBQB 296 / en appel de 2013 NBBR 296)

**COURTROOM / SALLE #6**

**(\*RICHARD, BELL AND/ET GREEN, JJ.A.)**

**No. 14 Removed and set to February 11, 2015, pursuant to directions of The Honourable Chief Justice Drapeau / La date de l'audience est remise au 11 février 2015 en vertu de la de la directive de l'Honorable juge en chef.**

- 13-14-CA**
14. Boyd Reginald Atkinson ) **Jean Eugène Trahan,**  
- and - ) for the Appellant  
Her Majesty The Queen ) **Stephen J. Holt,**  
 ) for the Respondent

**TUESDAY, SEPTEMBER 30 / LE MARDI 30 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(DESCHÊNES, \*BELL AND/ET GREEN, JJ.A.)**

- 44-14-CA**
15. The Wawanesa Mutual Insurance ) **Jade A. Spalding and**  
Company ) **Ryan P. Burgoyne,**  
- and - ) for the Appellant  
Shirley Wade ) **Justin J. Robichaud,**  
 ) for the Respondent

**2:00 p.m. / 14h**

**COURTROOM / SALLE #6**

**(\*BELL, QUIGG AND/ET GREEN, JJ.A.)**

**No. 16. Adjourned to a date to be set, pursuant to the directions of The Honourable Chief Justice Drapeau / Remise à une date ultérieure, en vertu de la directive de l'Honorable juge en chef.**

- 118-13-CA**
16. Donald Lavern Snook ) **James J. Matheson,**  
- and - ) for the Appellant  
Her Majesty The Queen ) **Cameron H. Gunn, Q.C.,**  
 ) for the Respondent

**TUESDAY, WEDNESDAY AND THURSDAY, OCTOBER 7, 8 AND 9/  
LE MARDI, MERCREDI ET JEUDI, 7, 8 ET 9 OCTOBRE  
10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*RICHARD, BELL AND/ET QUIGG, JJ.A.)**

- 177-11-CA**
17. *Her Majesty The Queen* ) **Kathryn A. Gregory,**  
- and - ) *for the Appellant*  
*Rodney Tingley, Roger Tingley,* ) **Graham J. Sleeth, Q.C.,**  
*and Christopher Tingley* ) *for the Respondent,*  
 ) *Rodney Tingley*  
 ) **Alison J. Ménard,**  
 ) *for the Respondent,*  
 ) *Roger Tingley*  
 ) **Brian D. Munro,**  
 ) *for the Respondent,*  
 ) *Christopher Tingley*